



Speech By
Joseph Kelly

MEMBER FOR GREENSLOPES

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HEAVY VEHICLE NATIONAL LAW AND OTHER LEGISLATION AMENDMENT BILL

 **Mr KELLY** (Greenslopes—ALP) (4.00 pm): I support the Heavy Vehicle National Law and Other Legislation Amendment Bill 2018. I also will focus mainly on the increase in penalties for careless driving and the mandatory licence disqualification. The very tragic situation described by the member for Toowoomba South took place in my electorate and it has deeply affected many people in my community. The situation that you recounted, Mr Deputy Speaker Weir, in your contribution rang very strongly with me because my family and I were in a very similar situation to the one you described where we were the victims of a careless driver and it was only a matter of centimetres and the outcome would have been much different. The scenario you described certainly brought those memories back to me.

I want to thank those constituents who have come to see me about this bill or contacted me with their concerns. I certainly share their concerns for a whole range of reasons, not least of which is because of the time that I have spent as a nurse caring for people who have survived serious motor vehicle accidents. The length of time for recovery is significant and the impacts on the individual are massive, as are the impacts on the entire family of that individual. I have seen generations of families significantly disadvantaged because of a moment of careless driving, so I am personally committed to reducing motor vehicle accidents. It is a complex and an ongoing effort.

The PricewaterhouseCoopers guide for policymakers on reducing road fatalities identifies five top risk factors. Speeding, drink driving, distracted drivers, lack of seatbelts or child restraints and a lack of motorcycle helmets are those things that contribute most to motor vehicle accidents. I know there are significant policy initiatives in relation to all of those matters, but I see this as yet another step in trying to reduce the number of serious motor vehicle accidents and the damage that is done to individuals in our community.

Like many people in my community, I am deeply saddened and angered when people are killed or injured in a car accident, particularly where the driver has been careless. Some terrible situations have occurred over the years where one could consider that these are genuine accidents caused by momentary lapses of concentration or a set of circumstances that lead to an error of judgement. However, there are other situations where the driver is truly careless and seems to have a history of careless behaviour. I could use many examples to illustrate both situations, but I will not use specific examples out of respect for the people involved.

It is right that the decision about whether to apply a penalty sits with the judiciary based on the specific evidence in relation to each situation. However, there is clearly an expectation—and that was demonstrated in my community with the scenario and the situation of the sad tragedy described by the member for Toowoomba South—in the community that where careless driving occurs resulting in death the judiciary have the option of stronger penalties. In my humble opinion, this bill strikes the right balance of increasing those penalties and allowing the judiciary to determine how and where these should be used.

I want to turn to the provisions dealing with mandatory disqualification. During research undertaken when I was considering this bill—and I want to acknowledge the people who wrote the report, because it was an excellent report, and all of those people who made submissions—I read an interesting study done in Queensland about the relationship between penalties for road traffic infringements and crash risks done by Simon Walter and David Studdert from Berkeley and Stanford universities respectively, published in the *International Journal of Epidemiology*.

Some of the key findings from that study is that, following infringement notices, risk of accidents increase significantly in the following month to six months by a magnitude of about 30 per cent. The conclusion or the hypothesis put forward by the authors was that the infringement notice does not cause the increase in accidents, but perhaps the infringement notice identifies a cohort of drivers who are engaging routinely in risky behaviour which may result in these careless driving accidents which cause so much damage and so much pain to our community and to particular individuals and families in our community. This to me suggests that policymakers should consider a range of options following infringement notices, because the risk of another accident clearly increases. Obviously this is only one study, and perhaps there is need for greater study in this area to verify what has been found, but for this reason I believe it is very reasonable to take the action of mandatory disqualification of licences as one option.

Nothing in this bill will bring back the loved one killed by a careless driver or speed up the rehabilitation time of those injured by a careless driver. I am deeply sympathetic to people who are affected in this manner. The provisions that I have discussed meet the community expectation of applying stronger penalties in situations judged by the judiciary to be deserving of such penalties and I believe they reduce the risk of future motor vehicle accidents by applying mandatory disqualifications. I commend the bill to the House.